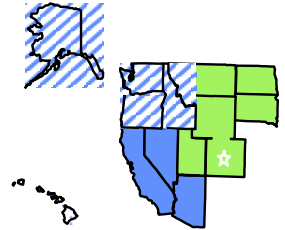




# US Army Environmental Center Western Regional Environmental Office REGION 9 – MARCH 2003 WESTERN REGION REVIEW



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 9 area: Arizona, California, Hawaii and Nevada. We appreciate your feedback & encourage you to submit suggestions for future discussion. Please contact Marius Gedgaudas at the Western Regional Environmental Office, U.S. Custom House, 721 19<sup>th</sup> Street, Room 427, Denver, CO 80202-2500, or e-mail: [mgedgaud@rma.army.mil](mailto:mgedgaud@rma.army.mil).

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## DID YOU KNOW?

- The electronic version of the Western Region Review has been enhanced to increase ease in navigating through the document. Simply "click" on a topic in the table of contents and go directly to that section – to return to the top of the section click "top of section" - and to return to the top of document click "top of review". In addition, the agency emblems/logos and state flags hyperlink directly to the website – simply click and you are on your way.

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## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

##### **FINAL RULE – CONTROL OF EMISSIONS FROM NEW MARINE COMPRESSION-IGNITION ENGINES AT OR ABOVE 30 LITERS PER CYLINDER**

– On 28 February 2003 (68 FR 9745), EPA adopted emission standards for new marine diesel engines installed on vessels flagged or registered in the United States with displacement at or above 30 liters per cylinder. These standards are equivalent to the internationally negotiated standards for oxides of nitrogen and will be enforceable under U.S. law for new engines built on or after 1 January 2004. EPA also adopted additional standards for new engines with displacement at or above 2.5 liters per cylinder but less than 30 liters per cylinder. These standards, which are currently voluntary, are also equivalent to the internationally negotiated standards for oxides of nitrogen. The standards will apply through 2006. This final rule is effective 29 April 2003. For further information, contact EPA's Office of Transportation and Air Quality, Assessment and Standards Division hotline at (734) 214-4636, or e-mail: [asdinfo@epa.gov](mailto:asdinfo@epa.gov).

##### **NOTICE OF AVAILABILITY – INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS:**

**1990-2001** – On 7 February 2003 (68 FR 6450), EPA made available for public review a draft "Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2001." Annual U.S. emissions from 1990-2001 are summarized and presented by source category and sector. The inventory contains estimates of carbon dioxide, methane, nitrous oxide, Hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride emissions. The inventory also includes estimates of carbon sequestration in U.S. forests and an updated assessment of emissions from the electric power industry. Comments are requested by 9 March, but comments received after that date will be considered for the next edition of this report. For further information, contact William Irving, EPA at (202) 565-9065, or e-mail: [irving.bill@epa.gov](mailto:irving.bill@epa.gov).

**NOTICE OF AVAILABILITY – RECENT POSTINGS** – On 13 February 2003 (68 FR 7373), EPA published recent postings to the Applicability Determination Index (ADI) Database System of Agency Applicability Determinations, Alternative Monitoring Decisions, and Regulatory Interpretations Pertaining to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and the Stratospheric Ozone Protection Program. An electronic copy of each complete document posted on the ADI database system is available through the Office of Enforcement and Compliance Assurance at <http://www.epa.gov/compliance/assistance/applicability>. The document may be located by date, author, subpart, or subject search. For further information, contact Maria Malave, EPA at (202) 564-7027, or e-mail: [malave.maria@epa.gov](mailto:malave.maria@epa.gov).

#### WASTE INFORMATION:

**FINAL GUIDANCE – COMPLETION OF CORRECTIVE ACTION AT RCRA FACILITIES** – On 25 February 2003 (68 FR 8757), EPA published the final newly issued "Guidance on Completion of Corrective Action Activities at RCRA Facilities" memorandum to regulators and to the regulated community. The guidance does not create a legal requirement. The memorandum provides the EPA Regions, the states, tribes, the regulated community, members of the public, and other stakeholders with guidance on significant issues related to completion of corrective action activities at RCRA facilities. It provides guidance on when each type of completion determination is appropriate. It also discusses

completion determinations for less than an entire facility. Finally, it provides guidance on procedures for EPA and the authorized states to use when making completion determinations. For further information on specific aspects of the guidance document, contact Barbara Foster, EPA at (703-308-7057), or e-mail: [foster.barbara@epa.gov](mailto:foster.barbara@epa.gov).

**NOTICE OF AVAILABILITY – PERFORMANCE OF WASTE CONTAINMENT SYSTEMS** - EPA has released a study assessing the design, construction, and performance of waste containment systems used at landfills, surface impoundments, and waste piles, and in the remediation of contaminated sites: "Assessment and Recommendations for Improving the Performance of Waste Containment Systems" [EPA/600/R-02/099]. The report evaluates various liner and barrier types. Field performance, and construction issues such as slopes are discussed. EPA is concurrently completing a new technical guidance document titled "Technical Guidance for RCRA/CERCLA Final Covers" (Bonaparte et al., 2002). The reader is referred to this guidance document for more detailed information on final cover systems for landfills and remediation sites. For further information, link: <http://www.epa.gov/ORD/NRMRL/Pubs/600R02099/600R02099.pdf>.

### **WATER INFORMATION:**

**EXTENSION OF COMMENT PERIOD – REGULATORY DEFINITION OF “WATERS OF THE UNITED STATES”** – On 28 February 2003 (68 FR 9613), EPA extended the public comment period on its joint publication of 15 January 2003 with the Department of the Army on an Advance Notice of Proposed Rulemaking (ANPRM) on the Clean Water Act (CWA) regulatory definition of “Waters of the United States” (68 FR 1991). That ANPRM requested public input on issues associated with the definition of “waters of the United States” in light of the U.S. Supreme Court decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001) (SWANCC). It also solicited information or data from the general public, the scientific community, and federal and state resource agencies on the implications of the SWANCC decision for jurisdictional decisions under the CWA. The input received from the public in response to the ANPRM will be used by the agencies to determine the issues to be addressed and the substantive approach for a future proposed rulemaking addressing the scope of CWA jurisdiction. The Army and EPA sought responses to the ANPRM by 3 March 2003. In response to comments from the public requesting additional time to fully analyze the issues, gather requested information, and prepare comments, EPA has extended the comment period on the ANPRM to 16 April 2003. For further information, contact Donna Downing, EPA at (202) 566-1366, e-mail: [CWAwaters@epa.gov](mailto:CWAwaters@epa.gov), or Ted Rugiel, U.S. Army Corps of Engineers, at (202) 761-4595, e-mail: [Thaddeus.J.Rugiel@HQ02USACE.ARMY.MIL](mailto:Thaddeus.J.Rugiel@HQ02USACE.ARMY.MIL).



### **GENERAL INFORMATION**

**NOTICE OF AVAILABILITY – BIRDS OF CONSERVATION CONCERN 2002** – On 6 February 2003 (68 FR 6179). The U.S. Fish and Wildlife Service (FWS) posted a document entitled “Birds of Conservation Concern 2002.” The purpose of the document is to identify species, subspecies, and populations of migratory and non-migratory birds in need of additional conservation actions. For further information, contact Brian Millsap, FWS at (703) 358-1714, or link: <http://migratorybirds.fws.gov/reports/BCC2002.pdf>.

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## **UPCOMING CONFERENCES, SYMPOSIUMS, AND TRAINING ANNOUNCEMENTS**

### **DSMOA TRAINING WORKSHOPS**

**18-19 March 2003 – Colorado Springs, Colorado**

**2-3 April 2003 – Palm Springs, California**

**30 April-1 May 2003 – Seattle, Washington**

**6-7 May 2003 – Anchorage, Alaska**

DoD has announced its 2003 series of workshops for the DoD and State Memorandum of Agreements (DSMOA) training initiative. These workshops will focus on teaching a standardized approach to the 6-Step Cooperative Agreement process and promoting a productive dialogue between members of the DSMOA program. Both DoD and state DSMOA personnel are encouraged to attend. For more information or to register, link <http://www.enstg.com/conference>.

### **INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS**

**18-20 March 2003 – Las Vegas, Nevada**

**15-17 April 2003 – Anchorage, Alaska**

**26-28 August 2003 – Seattle, Washington**

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and use strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

### **ARMY ENVIRONMENTAL TRAINING WORKSHOP**

**23-28 March 2003 – Kansas City, Missouri**

The Army Training and Doctrine Command (TRADOC) and the Army Environmental Center (AEC) are sponsoring this workshop, which will consist of numerous environmental short courses and seminars. It is intended to provide: 1) awareness and training in Army environmental programs; 2) preparation for the new installation management business models, such as TIM and EMS; and 3) opportunities for installation staff to obtain program updates and share lessons learned. For more information, contact Susan West, TRADOC at (757) 788-2279, e-mail: [wests@Monroe.army.mil](mailto:wests@Monroe.army.mil), or Susan Thomas, AEC at (410) 436-6899, e-mail: [Susan.Thomas@aec.apgea.army.mil](mailto:Susan.Thomas@aec.apgea.army.mil).

### **29<sup>th</sup> ENVIRONMENTAL AND ENERGY SYMPOSIUM**

**7-10 April 2003 – Richmond, Virginia**

This symposium is sponsored by the National Defense Industrial Association, Environment and Energy Division, in cooperation with the Deputy Under Secretary of Defense for Installations and Environment, the Defense Logistics Agency, EPA and DOE. It will provide a national forum for the exchange of technical information, government policy, regulations, programs and laws, and new ideas on environmental and energy issues and areas of concern. For more information, contact Derek Jenks at [djenks@ndia.org](mailto:djenks@ndia.org) or link <http://register.ndia.org/interview/register.ndia?~Brochure~3440>.

### **NATIONAL POLLUTION PREVENTION ROUNDTABLE SPRING CONFERENCE**

**8-11 April 2003 – Louisville, Kentucky**

The Pollution Prevention (P2) Roundtable will bring together pollution prevention practitioners and experts to share the latest in policy, regulatory, and technical information. The meeting will feature special tracks on Environmental Management Systems and P2, international sustainability policy discussions as a

follow-up to the World Summit, and P2's role in addressing global climate change challenges. For more information, link <http://www.p2.org/events/spring2003/>.

### **WATER RESOURCE MANAGEMENT WORKSHOP**

**15-16 April, 2003 – Denver, Colorado**

The Federal Energy Management Program is presenting this workshop for facility resource managers responsible for water management and conservation, and for adherence to Executive Order 13123. The course will cover legislation and legal issues concerning water management in the federal sector; impacts of Executive Order 13123; opportunities for water conservation; auditing, leak detection and metering; drought management; and integrated resource planning. For more information or to register, link <http://www.pnl.gov/femp>.

### **26<sup>TH</sup> ANNUAL CONFERENCE ON ANALYSIS OF POLLUTANTS IN THE ENVIRONMENT**

**29-30 April 2003 – Chicago, Illinois**

EPA's Office of Water's Office of Science and Technology, and Battelle will co-sponsor the "26th Annual Conference on Analysis of Pollutants in the Environment" to discuss all aspects of environmental measurement. The conference is open to the public. For information on registration, contact Jennifer Maglinao at (703) 461-2137, or e-mail: [Jennifer.maglinao@DynCorp.com](mailto:Jennifer.maglinao@DynCorp.com). For technical questions regarding the conference, contact Marion Kelly by e-mail at [kelly.marion@epa.gov](mailto:kelly.marion@epa.gov).

### **25<sup>TH</sup> SYMPOSIUM ON BIOTECHNOLOGY FOR FUELS & CHEMICALS**

**4-7 May 2003 – Breckenridge, Colorado**

The National Renewable Energy Laboratory is sponsoring this symposium, which focuses on improving the economics of fuels and chemicals production. The program will cover the latest research breakthroughs and results in biotechnology. A variety of formal technical sessions, poster sessions, and informal discussion groups will provide an exchange of information for attendees. For more information or registration, link [http://www.nrel.gov/biotech\\_symposium](http://www.nrel.gov/biotech_symposium).

### **ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) TRAINING**

**7-8 May 2003 – San Francisco, California**

**28-29 May 2003 – Seattle, Washington**

**16-17 July 2003 - San Diego, California (tentative)**

EPA is sponsoring EMS training workshops for federal agencies. Attendance will be limited to 60 persons. For more information or to register, contact Kaye McKnissey at (206) 553-1616, or e-mail: [mcknissey.kaye@epa.gov](mailto:mcknissey.kaye@epa.gov).

### **INTERMEDIATE HEALTH RISK COMMUNICATION WORKSHOP**

**12-15 May 2003 – San Antonio, Texas**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

### **9<sup>TH</sup> NATIONAL CLEAN CITIES CONFERENCE**

**18-21 May 2003 – Palm Springs, California**

The Department of Energy is sponsoring this conference and exposition. Topics will include alternative fuel vehicles, energy security, and clean air. For more information or to register, link [http://www.ccities.doe.gov/conference/palm/palm\\_home.shtml](http://www.ccities.doe.gov/conference/palm/palm_home.shtml).

### **REAL WORLD CLEAN AIR SYMPOSIUM**

**19-22 May 2003 – Seattle, Washington**

This event will be sponsored by the U.S. Army Forces Command, Hill Air Force Base, Fort Irwin, and the West Coast Section, Air and Waste Management Association, with support from the Army Training and



Doctrine Command, the Army Environmental Center, and EPA. Topics to be addressed include installation sustainability, Environmental Management Systems, installation air program management, pollution prevention, and homeland security. For more information, contact Michelle Kubal at (937) 254-7950, ext. 1168, e-mail [mkubal@anteon.com](mailto:mkubal@anteon.com), or link <http://www.usasymposium.com>.

### **11<sup>th</sup> ANNUAL GLOBAL DEMILITARIZATION SYMPOSIUM**

**19-22 May 2003 – Sparks, Nevada**

The Joint Ordnance Commanders Group and the National Defense Industrial Association are presenting this symposium to support DoD in efforts directed at reducing the stockpile of excess and obsolete munitions. Topics include ongoing disposal, recycling and reuse programs, research and development efforts, transitioning technologies, and the latest policy issues. For more information, contact Paul Cole at (918) 420-8823, or link <http://www.ndia.org/events/brochure/3580/>.

### **SUPER ENERGY SAVINGS PERFORMANCE CONTRACTING WORKSHOP**

**20-21 May 2003 – Indianapolis, Indiana**

**22-23 July 2003 – Washington, DC**

The U.S. Department of Energy, Federal Energy Management Program, is presenting this free workshop for federal employees involved in energy management, engineering, and procurement. Attendees will learn how to lower capital costs while reducing long-term energy and water bills. For more information or to register, call (703) 243-8343.

### **FEDERAL ENERGY DECISION SYSTEM WORKSHOPS**

**21-23 May 2003 – Anchorage, Alaska**

The Federal Energy Management Program is presenting two courses on the Federal Energy Decision System (FEDS). The Introduction to FEDS will be on 21 May, followed by a two-day advanced course. Participants will learn the features and capabilities of the FEDS 5.0 software and use it to quickly and objectively identify energy improvements for maximum cost-effective savings in accordance with life-cycle-costing methodology. For more information or to register, link <http://www.pnl.gov/femp>.

### **2003 ARMY CWA/SDWA WORKSHOP**

**2-5 June 2003 – Albuquerque, New Mexico**

The Army is sponsoring this water issues workshop for Army environmental personnel to increase the understanding of the requirements and challenges of CWA and SDWA management at all levels of Army organization. The workshop will include presentations relevant to installation environmental concerns such as DoD perspective and insight, technical and regulatory updates, lessons learned at installations, and panel discussions. The final agenda is being developed. For more information, contact Kristin MacAulay at (937) 384-4242, e-mail: [Kristin.MacAulay@westonsolutions.com](mailto:Kristin.MacAulay@westonsolutions.com), or link: <http://dm.westonproject.net/wiw/>.

### **AIR AND WASTE MANAGEMENT ANNUAL CONFERENCE & EXHIBITION**

**22-26 June 2003 – San Diego, California**

AWMA will be presenting its 96<sup>th</sup> annual conference with the theme: "Environment in the Balance...THE JOURNEY AHEAD," and will focus on "Energy, Economy & Global Challenges." AWMA has issued a call for Abstracts and had posted a Technical Program grid on its website. For more information, link <http://www.awma.org>.

### **8<sup>TH</sup> ANNUAL JOINT SERVICES P2 & HAZARDOUS WASTE MANAGEMENT CONFERENCE**

**11-14 August 2003 – San Antonio, Texas**

The Naval Facilities Engineering Command and the Air Force Center for Environmental Excellence are co-hosting this conference, which will provide an open forum for exchanging ideas, success stories, case histories, and technologies related to pollution prevention and hazardous waste management. This year's theme is: "Sustaining Readiness Through Environmental Stewardship." A call for abstracts has been issued, with a closing date of 5 March 2003. For more information, link: <http://www.p2-hwmconference.com>.

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## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## ARIZONA

### Regulatory Developments & Other State Information

No significant regulatory activity to report.

### Legislative Developments

The 2003 legislative session convened 12 January. For current information on the legislative session, link <http://www.azleg.state.az.us>.

**ARIZONA HB 1243 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES** - Amends existing statute to require that a determination be made at the written request of the owner of property that is subject to a declaration of environmental use restriction. States that either revision or recordation of a new declaration of environmental use restriction, or release of the declaration of environmental use restriction, is appropriate. Introduced and referred to House Natural Resources and Transportation; and Rules Committees 3 February 2003. The sponsor is Representative Carolyn Allen (R).

**ARIZONA HB 2035 – LAND USE** - Requires that express written consent of a property owner must be given before a governing body or zoning body rezones land and changes the zoning classification of land in such a way that restricts the use or reduces the value of the land. Introduced 9 January 2003. The sponsor is Representative Marian McClure (R).

**ARIZONA HB 2265 – WATER QUALITY** - Determines that ephemeral waters shall not be listed as impaired until the Department revises both of the following: (1) the standards used for measuring the quality of navigable waters to account for the unique conditions created by episodic stormwater discharges into ephemeral waters and; (2) the rules adopted to establish a separate methodology for sampling and analyzing ephemeral waters and to establish when and how those waters are assessed for impairment. Introduced and referred to House Natural Resources, Agriculture, Water, and Native Indian Affairs; Environment; and Rules Committees 20 January 2003. The sponsor is Representative Joe Hart (R).

**ARIZONA HB 2381 – DRINKING WATER** - Mandates that the state comply with requirements established by EPA for state primary enforcement responsibility of the Safe Drinking Water Act. Introduced 31 January 2003. Referred to House Environment; Natural Resources and Agriculture; and Rules Committees 6 February 2003. Reported from House Environment Committee 17 February. The sponsor is Representative Joe Hart (R).

**ARIZONA HB 2418 – PESTICIDES** - Requires that any state agency and any state employee acting in the employee's official capacity, that applies pesticides in any public area including highway rights-of-way post notice of the application at least 24 hours before the application begins and leave the notice posted for 24 hours after application. Requires that the pesticides be used in a manner that produces the lowest level of toxicity in the environment that is reasonably practicable. Introduced 6 February 2003. Referred to House Natural Resources, Agriculture, Water and Native American Affairs; Government and Retirement; Transportation; and Rules Committees 12 February. The sponsor is Representative Ernest Bustamante (D).

**ARIZONA HB 2423 – UNDERGROUND STORAGE TANKS** - Makes amendments to the existing statute dealing with underground storage tanks. Adds provisions for volunteer responsibility for tank facilities. Requires that corrective action for spills or leaks be deemed technically reasonable. Introduced and referred to House Environment; Appropriations; and Rules Committees 12 February 2003. The sponsor is Representative Joe Hart (R).

**ARIZONA HB 2478 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES** - Requires the Department of Water Resources to formulate plans and develop programs for the practical and economical development, management, conservation and use of surface water, groundwater and the watersheds in this state, including the management of water quantity and quality. Introduced 11 February 2003. Referred to House Natural Resources, Agriculture; Water and Native American Affairs; and Rules Committee 13 February. The sponsor is Representative Tom O'Halleran (R).

**ARIZONA SB 1063 – AIR QUALITY** - Increases criminal penalties for causing wildland fires. Introduced 20 January 2003. Passed Senate February 13. The sponsor is Senator Jack Brown (D).

**ARIZONA SB 1155 – PESTICIDES** - Requires that pesticide monitoring programs replicate conditions under which the pesticide is normally used in the area of monitoring, including the typical season of use. Introduced and referred to Senate Natural Resources and Transportation; and Rules Committees 31 January 2003. The sponsor is Senator Gus Arzberger (D).

**ARIZONA SB 1354 – UNDERGROUND STORAGE TANKS** - Imposes an excise tax on the operation of underground storage tanks that is measured by the quantity of regulated substances placed in a tank in any calendar year. Levies the tax at the rate of \$0.01 per gallon of the regulated substance. Requires that 20% of the net revenues shall be credited to the Municipal Tank Closure and Corrective Action Program account and 80% be credited to the Assurance Account for the purpose of paying approved but unpaid claims against the Account. Introduced and referred to House Natural Resources and Transportation; Finance; and Rules Committees 6 February 2003. The sponsor is Senator Richard Miranda (D).

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## CALIFORNIA

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### Regulatory Developments & Other State Information

**FINAL REGULATION – CLARIFICATION OF ADMINISTRATIVE PROCEDURES** – The California Office of Environmental Health Hazard Assessment has adopted the first in a series of amendments to its administrative procedures. The amendments include: (1) grammatical and technical corrections; (2) simplification and clarification of language for readability; (3) reorganization of sections for readability; and (4) corrections to definitions. The amendments were effective 6 February 2003. For more information, contact Cynthia Oshita at (916) 445-6900, or link:

[http://www.oehha.ca.gov/prop65/CRNR\\_notices/safe\\_use/pdf\\_zip/SUD%20clarifying%20regs.pdf](http://www.oehha.ca.gov/prop65/CRNR_notices/safe_use/pdf_zip/SUD%20clarifying%20regs.pdf).

**FINAL REGULATION – PRIVATE CIVIL SUITS UNDER PROPOSITION 65** – The California Department of Justice has adopted permanent regulations governing civil actions filed by private persons in the public interest pursuant to Proposition 65. The amendments: (1) change the timing and nature of the required submissions to the Attorney General to account for the new statutory provision requiring settlements to be reviewed by the court; (2) adopt guidelines to be used by the Attorney General, parties to litigation, and courts, in crafting and reviewing Proposition 65 settlements; and (3) adopt the form and content of the required certification, define the specific scope of the certification, and also identify the type of supporting documentation that is necessary. The regulations were effective 17 January 2003. For more information, contact Edward Weil at (510) 622-2149, or link: <http://www.oal.ca.gov/notice/10z-2002.pdf>.

### AIR INFORMATION:

**FINAL RULE – SAN JOAQUIN FUGITIVE DUST CONTROL MEASURES** – On 26 February 2003 (67 FR 8830), EPA finalized both a conditional approval and a limited approval and limited disapproval of revisions to the San Joaquin Valley Unified Air Pollution Control District's portion of the California State Implementation Plan (SIP). This action concerns fugitive dust and particulate matter less than 10 microns in diameter (PM-10). The conditional approval is with respect to enforceability and reasonably available control measures, and the limited approval and limited disapproval is with respect to best available control measures. This action simultaneously approves local rules that regulate these emissions and directs California to correct rule deficiencies. This rule is effective 28 March 2003. For further information, contact Karen Irwin, EPA at (415) 947-4116.

**FINAL RULE – APPROVAL OF VENTURA NEW SOURCE REVIEW RULES** – On 28 February 2003 (68 FR 9561), EPA finalized approval of revisions to the Ventura Air Pollution Control District portion of the California SIP. These revisions concern the District's new source review rules. EPA approved these revisions under the Clean Air Act. This rule is effective 31 March 2003. For further information, contact Nahid Zoueshtiagh, EPA at (415) 972-3978, or e-mail: [zoueshtiagh.nahid@epa.gov](mailto:zoueshtiagh.nahid@epa.gov).

**PROPOSED RULE – FINDING OF SUBSTANTIAL INADEQUACY OF IMPLEMENTATION PLAN** – On 13 February 2003 (68 FR 7327), EPA proposed a finding that the California State Implementation Plan (SIP) is substantially inadequate for all nonattainment air pollution control districts in the State and for all attainment area districts that have an approved Prevention of Significant Deterioration (PSD) program because the State cannot provide "necessary assurances" that it or the districts have authority to carry out the applicable nonattainment New Source Review (NSR) or PSD portions of the SIP. The California SIP is inadequate because California Health & Safety Code section 42310(e) exempts new and modified major agricultural sources from all permitting, including PSD and NSR permitting otherwise required by the Clean Air Act. If EPA finalizes this proposed finding of substantial inadequacy, California will be required to amend its State law to eliminate the permitting exemption as it pertains to major agricultural sources of air pollution and submit the necessary assurances by 23 November 2003 to support an affirmative finding by EPA. If the State fails to submit the necessary assurances of authority or if EPA

disapproves any such submittal in response to a final SIP call, sanctions will apply statewide pursuant to section 179 of the Act. Comments must be submitted by 17 March 2003. For further information, contact Gerardo Rios, EPA at (415) 972-3974, or e-mail: [rios.gerardo@epa.gov](mailto:rios.gerardo@epa.gov).

**FINAL REGULATION – HEAVY-DUTY VEHICLE ACCELERATION SIMULATION MODE TESTING**

The California Bureau of Automotive Repair has adopted amendments to its vehicle acceleration simulation mode (ASM) testing, a part of the agency's Smog Check Program. The amendments: (1) adopt new loaded mode pass/fail and gross polluter loaded-mode standards for vehicles between 8,501 and 9,999 pounds gross vehicle; (2) authorize technicians to use the two-speed idle test on vehicles that may be incompatible with the technician's dynamometer; and (3) authorize technicians to use the two-speed idle test if the vehicle's unloaded drive axle weight exceeds 5,000 pounds. The amendments were effective 20 February 2003. For more information, contact James Allen at (916) 255-4300, or link: [http://165.235.17.9/ftp/pdfdocs/RegAct64\\_8.pdf](http://165.235.17.9/ftp/pdfdocs/RegAct64_8.pdf).

**FINAL REGULATION – SOUTH COAST OLD VEHICLE SCRAPPING** – The South Coast Air Quality Management District has adopted amendments to its regulations regarding old vehicle scrapping and the generation of Mobile Source Emission Reduction Credits (MSERC). The amendments limit the usage of MSERCs to mobile source regulations and voluntary retirement of MSERCs for air quality benefits. The amendments will conform to the California Air Resources Board's Voluntary Accelerated Vehicle Retirement requirements. The amendments were effective 6 December 2002. For more information, contact Vicki White at (909) 396-3436, or link: <http://www.aqmd.gov/rules/html/r1610.html>.

**FINAL REGULATION – SOUTH COAST CONTROL OF VOC LEAKS** - The South Coast Air Quality Management District has amended its regulations regarding VOC leaks and releases from petroleum facilities and chemical plants. The regulations reduce VOC emissions from: (1) valves; (2) fittings; (3) pumps; (4) compressors; (5) pressure relief devices; (6) diaphragms; (7) hatches; (8) sight glasses; and (9) meters. The affected facilities are: (1) refineries; (2) chemical plants; (3) oil and gas production fields; (4) natural gas processing plants; and (5) pipeline transfer stations. The amendments were effective 6 December 2002. For more information, contact Eugene Teszler at (909) 396-2077, or link: <http://www.aqmd.gov/rules/html/r1173.html>.

**FINAL REGULATION – SOUTH COAST ARCHITECTURAL COATINGS** - The South Coast Air Quality Management District has revised Rule 1113 regulating VOC limits from architectural coatings. The amendments include: (1) adding, amending, and deleting definitions for clarification and consolidation; (2) lowering VOC limits for some coating categories including industrial maintenance, non-flats, primers, sealers, undercoaters, and other specialty coatings; (3) specifying of test methods for testing various coating characteristics; (4) establishing an essential public service coating category; (5) providing additional time for small coatings manufacturers to meet future VOC limits; and (6) clarifying the Averaging Program ceiling limits, sell through provisions and compliance with sales records. The amendments were effective 6 December 2002. For more information, contact Daniel Russell at (909) 396-2333, or link: <http://www.aqmd.gov/rules/html/r1113.html>.

**FINAL REGULATION – SOUTH COAST CREDITS FOR NEW SOURCE REVIEW** - The South Coast Air Quality Management District has adopted amendments to Regulation XIII regarding New Source Review. The amendments include: (1) expanded use of approved short-term credits such as Mobile Source Emission Reduction Credits and Area Source Credits; (2) sharing of Emission Reduction Credits (ERCs) for a fixed duration; (3) creation of an offset budget that will allow qualifying sources to purchase available credits from the District should offsets not be available in the private market; (4) extension of the ERC application filing period from 90 days to 180 days; and (5) additional flexibility for internal offsets. The amendments were effective 6 December 2002. For more information, contact Henry Pourzand at (909) 396-2414, or link: <http://www.aqmd.gov/rules/html/r1302.html>.

**FINAL REGULATION – SOUTH COAST SOLVENT CLEANING** - The South Coast Air Quality Management District has amended its requirements regarding solvent cleaning. The amendment extends the sunset date for the exemption in section (k)(1)(D) to 1 January 2005. This exemption applies only to batch-loaded cold cleaners and vapor degreasers with open-top surface areas less than 1.0 square foot,

or with a capacity of less than 2 gallons, and used only for electrical, high precision optics or electronics applications; or aerospace and military applications for cleaning solar cells, laser hardware, space vehicle components, fluid systems, and components used solely in research and development programs, or laboratory tests in quality assurance laboratories. The amendments were effective 6 December 2002. For more information, contact Lou Yuhas at (909) 396-2475, or link: <http://www.aqmd.gov/rules/html/r1122.html>.

**PROPOSED REGULATION – BAY AREA TITLE V PERMITTING REQUIREMENTS** - The Bay Area Air Quality Management District has proposed amendments to its Title V permitting regulations. The amendments will: (1) revise the definition of “Administrative Permit Amendment” to explicitly include changes to the State-enforceable only portion of the permit; (2) revise the definition of “Potential to Emit” to clarify that permit conditions that purport to limit the potential to emit must be enforceable as a practical matter; and (3) add a section requiring that the District prepare a “statement of basis” document for each Major Facility Review permit. The District will hold a public hearing 19 March 2003. For more information, contact Steve Hill at (415) 749-4673, or link: <http://www.baaqmd.gov/ruledev/2-6/2003/r0206ph1.htm>

### WASTE INFORMATION:

**FINAL REGULATION – LISTING OF CATHODE RAY TUBES AS UNIVERSAL WASTE** – The California Department of Toxic Substances Control has promulgated an emergency regulation that adds cathode-ray tubes (CRT) to its list of universal wastes. California lists CRTs as hazardous waste because they contain lead glass. Because of the Department's classification of CRTs as universal waste, generators and some recyclers are subject to less stringent waste handling requirements. The Department promulgated the emergency regulation to protect business and households not normally subject to hazardous waste regulation, to foster the nascent manufacturer/retailer take-back programs, and to encourage recyclers. However, recyclers using chemical or thermal recycling methods are not covered by the emergency regulation and are thus subject to the usual hazardous waste requirements. The Department also adopted the emergency regulation as a permanent regulation. The regulations were effective 3 February 2003. For more information, contact Joan Ferber at (916) 322-6409, or link: <http://www.oal.ca.gov/notice/33z-2002.pdf>.

### WATER INFORMATION:

**PROPOSED REGULATION – MARINE OIL SPILL CONTINGENCY PLANNING** – The California Department of Fish and Game has proposing amendments to its marine oil spill contingency planning. The amendments will: (1) clarify terminology used as part of the state's incident command system; (2) update geographic boundaries to make with the US Coast Guard designated areas; (3) amend the format for the oil spill contingency plan element; (4) repeal the requirement for information on procedures and protocols for emergency rescue personnel; (5) amend the information required for pre-emergency planning; and (6) amend the information required for training. Comments are due by 8 April 2003. For more information, contact Joy Lavin-Jones at (916) 324-5662, or link: <http://www.dfg.ca.gov/Ospr/regulation/grantlang.pdf>.

### Legislative Developments

The 2003 legislative session convened 7 January. For current information on the legislative session, link <http://www.leginfo.ca.gov/index.html>.

**CALIFORNIA AB 107 – WATER** - Appropriates \$23,000,000 for the purposes of protecting state, regional, and local drinking water systems from terrorist attacks or deliberate acts of destruction or degradation to the East Bay Municipal Utility District. Authorizes use of \$15,000,000 to be allocated for water system security capital improvements and \$8,000,000 for the planning, design, and construction of an interagency water supply emergency project. Introduced 10 January 2003. Referred to Assembly Water, Parks and Wildlife Committee 21 January. The sponsor is Assemblywoman Ellen Corbett (D).

**CALIFORNIA AB 148 – GROUNDWATER** - Authorizes a water district to construct necessary works to achieve groundwater replenishment. Introduced 21 January 2003. The sponsor is Assemblyman Mervyn Dymally (D).

**CALIFORNIA AB 240 – SOLID WASTE** - Prohibits the California Integrated Waste Management Board from adopting any regulation that exempts a solid waste facility from any of the requirements for solid waste facilities, including any regulations based on the number of tons of solid waste per day accepted by the facility. Introduced 30 January 2003. The sponsor is Assemblywoman Sarah Reyes (D).

**CALIFORNIA AB 530 – NOISE** - Requires the Department of Transportation to adopt noise standards governing the operation of aircraft and aircraft engines based upon the level of noise acceptable to a reasonable person residing in the vicinity of the airport. Declares the intent of the Legislature in subsequent legislation to require each airport served by a scheduled airline to mitigate airport noise through a collaborative program between the airport and airlines to reach operating performance goals in compliance with the noise standards established by the Department. Introduced 18 February 2003. The sponsor is Assemblyman Gene Mullin (D).

**CALIFORNIA ABX 1.10 – AIR QUALITY** - Authorizes the Air Resources Board to impose additional permit fees directly on nonvehicular sources within a district's jurisdiction. Authorizes the board to require a district to collect those fees, to establish a system for direct collection of those fees by the state board, and to contract with any other state agency for the collection of those fees. Lowers the threshold emission level for the imposition of the permit fees on nonvehicular sources by requiring those fees to be collected from nonvehicular sources that are authorized by the district to emit 250 tons or more per year of any nonattainment pollutant or its precursor precursors. Introduced 23 January 2003. Passed Assembly 28 January. Amended and passed Senate 3 February. The sponsor is Assemblywoman Jenny Oropeza (D).

**CALIFORNIA SB 13 – RADIOACTIVE WASTE** - Prohibits the disposal of radioactive waste, as defined, at a hazardous waste disposal facility that is subject to the state hazardous waste control laws. Exempts the disposal of solid or hazardous waste that contains technically enhanced naturally occurring radioactive material (TENORM) at a solid or hazardous waste disposal facility from the licensing requirements imposed under the Radiation Control Law. Prohibits any generator or owner of radioactive waste from disposing of radioactive waste, or any materials containing byproduct, source, or special nuclear material, or transmitting to any person or entity for disposal, that material or waste, except at a specified licensed facility. Excludes from the act the handling and disposal of wastes containing TENORM if those wastes meet specified criteria. Permits any TENORM waste that is not a hazardous waste to be disposed of at a class II waste management unit that is dedicated primarily to the management of industrial or designated wastes. Introduced 2 December 2002. Referred to Senate Environmental Quality Committee 8 January 2003. The sponsor is Senator Gloria Romero (D).

**CALIFORNIA SB 18 – LAND USE** - Makes clarifying changes to existing law that authorizes the Native American Heritage Commission to bring an action to prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property. Introduced and referred to Senate Rules Committee 3 December 2002. The sponsor is Senator John Burton (D).

**CALIFORNIA SB 20 – ELECTRONIC WASTE** - States legislative intent to ensure that funds are available to assist cities, counties, and recyclers of electronic wastes in developing programs to safely collect and recycle the hazardous materials contained in electronic wastes, and to promote the refurbishment and reuse of electronic equipment for use by schools and nonprofit agencies. Introduced and referred to Senate Rules Committee 2 December 2002. The sponsor is Senator Byron Sher (D).

**CALIFORNIA SB 56 – WATER** - Adopts and authorizes the upstream and downstream portions of the Murrieta Creek Flood Control Project in Riverside County, in accordance with federal law, and with the state's participation. Requires the Riverside County Flood Control and Water Conservation District to carry out the project and to give assurances of local cooperation to the Secretary of the Army, thereby

imposing a state-mandated local program. Introduced 14 January 2003. The sponsor is Senator Dennis Hollingsworth (R).

**CALIFORNIA SB 202 – HAZARDOUS WASTE** - Repeals the exemption for wood waste and prohibits any person, on and after 1 January 2005, from using chromated copper arsenate (CCA), pentachlorophenol (penta) or creosote to treat wood products or manufacture a wood product treated with those substances. Provides, on and after 1 January 2005, that wood waste containing any measurable level of CCA, penta, or creosote is a hazardous waste for purposes of the hazardous waste control laws. Introduced 13 February 2003. The sponsor is Senator Gloria Romero (D).

**CALIFORNIA SB 207 – AIR QUALITY** - Provides that any defect or malfunction of a certified gasoline vapor emission control system, device, or component detected by a manual or electronic monitoring device or procedure does not constitute a violation of any air pollution control law, regulation, rule, procedure, or permit condition, unless the defect or malfunction is not corrected within 21 days of detection. Introduced 13 February 2003. The sponsor is Senator Dick Ackerman (R).

**CALIFORNIA SB 216 – ENDANGERED SPECIES** - Existing law requires the Department of Fish and Game to develop and implement a recovery strategy pilot program for the Greater Sandhill Crane. Existing law authorizes the Fish and Game Commission, based on recommendations from the Department, to identify four additional candidate, threatened, or endangered species for which the Department is required to develop and implement a recovery strategy. Under existing law, the pilot program is repealed as of 1 January 2004. Continues that existing law by extending the repeal date to 1 January 2009. Introduced 13 February 2003. The sponsor is Senator Byron Sher (D).

**CALIFORNIA SBX 1.4 – WATER** - Requires each person for whom waste discharge requirements have been prescribed, or for whom a waiver has been granted, to submit an annual fee according to a fee schedule established by the state board. Requires the total amount of annual fees to equal that amount necessary to recover costs incurred in connection with the issuance, administration, reviewing, monitoring, and enforcement of waste discharge requirements and waivers of waste discharge requirements. Introduced 27 January 2003. Passed Senate 30 January. The sponsor is the Committee on Budget and Fiscal Review.

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## HAWAII

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### Regulatory Developments & Other State Information

**FINAL RULE – CRITICAL HABITAT FOR PLANT SPECIES FOR KAUAI AND NIIHAU** – On 27 February 2003 (68 FR 9115), the U.S. Fish and Wildlife Service (FWS) designated critical habitat pursuant to the Endangered Species Act of 1973 for 83 of the 95 species known historically to inhabit the Hawaiian islands of Kauai and Niihau. A total of approximately 21,266 hectares (ha) (52,549 acres (ac)) of land on the island of Kauai and 144 ha (357 ac) of land on the island of Niihau fall within the boundaries of the 217 critical habitat units designated for the 83 species. This critical habitat designation requires FWS to consult under section 7 of the Act with regard to actions carried out, funded, or authorized by a Federal agency. Section 4 of the Act requires FWS to consider economic and other relevant impacts when specifying any particular area as critical habitat. This rule also determines that designating critical habitat would not be prudent for seven species. FWS solicited data and comments from the public on all aspects of the proposed rule, including data on economic and other impacts of the designation. This rule becomes effective on 31 March 2003. For further information, contact Paul Henson, FWS at (808) 541-3441.

### Legislative Developments

The 2003 legislative session convened 15 January. For current information on the legislative session, link <http://www.capitol.hawaii.gov/sessioncurrent/bills>.

**HAWAII HB 11 – REFORMULATED FUELS** - Prohibits the sale, distribution, blending or manufacturing of methyl tertiary butyl ether (MTBE) as a motor fuel additive, except in "trace amounts" (not greater than 0.5% by volume of the motor fuel). Introduced 16 January 2003. Referred to House Energy and Environment; and Consumer Protection and Commerce Committees 22 January. The sponsor is Representative Cynthia Thielen (R).

**HAWAII HB 454 – LAND USE** - Establishes a land evaluation and site assessment rating system. Requires the land use commission to establish the boundaries of the important agricultural lands district, the conservation district, and the other lands district. Abolishes urban, rural, and agricultural districts. Effective immediately. Introduced 21 January 2003. Referred to House Finance; Agriculture; and Water, Land Use,

and Hawaiian Affairs Committees 24 January. Deferred in committees 5 February. The sponsor is Representative Bob Nakasone (D).

**HAWAII HB 470 – ENVIRONMENTAL JUSTICE** - Requires the disclosure and specification of the proposed mitigation of environmental justice impacts in environmental impact statements. Effective immediately. Introduced 21 January 2003. Reported from House Environmental Protection Committee 30 January. The sponsor is Representative Hermina Morita (D).

**HAWAII HB 471 – ENVIRONMENTAL IMPACT STATEMENTS** - Authorizes the Office of Environmental Quality Control to review and override an agency's determination of whether its proposed action requires an environmental impact statement. Requires an environmental assessment for proposed wastewater facilities, waste-to-energy facilities, landfills, oil refineries, and power generating facilities. Introduced 21 January 2003. Referred to House Energy and Environmental Protection; Consumer Protection and Commerce; and Finance Committees 24 January. Amended and reported from House Energy and Environmental Protection Committee 6 February. Reported from House Consumer Protection and Commerce Committee 10 February. The sponsor is Representative Hermina Morita (D).

**HAWAII HB 472 – WATER QUALITY** - Increases, from \$25,000 to \$40,000, the fine for each violation of the water pollution law, or any rule, permit, or variance issued under that law. Enacts provisions relating to muddy water, underground injection, and nutrients. Allows citizen suits. Introduced 21 January 2003. Referred to House Water, Land Use and Hawaiian Affairs; Energy and Environmental Protection; Judiciary; and Finance Committees 27 January. The sponsor is Representative Hermina Morita (D).

**HAWAII HB 476 – ENDANGERED SPECIES** - Allows state and county agencies to enter into habitat conservation plans and safe harbor agreements. Requires legislative approval of certain plans and agreements. Provides for the enforcement of habitat conservation plans and safe harbor agreements through citizen lawsuits. Introduced 23 January 2003. Referred to House Water, Land Use and Hawaiian Affairs; Energy and Environmental Protection; Judiciary; and Finance Committees 27 January. The sponsor is Representative Hermina Morita (D).

**HAWAII HB 737 – WATER** - Increases, from \$25,000 to \$40,000, the fine for each violation of the water pollution law, or any rule, permit, or variance issued under that law. Enacts provisions relating to muddy water, underground injection, and nutrients. Allows citizen suits. Introduced 22 January 2003. Referred to House Energy and Environmental Protection; Judiciary; and Finance Committees 27 January. Amended and reported from House Energy and Environmental Protection Committee 4 February. Amended and reported from House Judiciary Committee 12 February. The sponsor is Representative Tommy Waters (D).

**HAWAII HB 744 – FUELS** - Prohibits methyl tertiary-butyl ether (MTBE) as a gasoline additive in Hawaii after 31 December 2003. Imposes penalties for violations. Introduced 22 January 2003. Referred to House Energy and Environmental Protection; and Finance Committees 27 January. The sponsor is Representative Tommy Waters (D).

**HAWAII HB 774 – ENVIRONMENTAL PROCEDURES** - Abolishes the land use commission and transfers its functions to the counties. Makes various amendments to coastal zone management law. Effective 1 July 2003. Introduced 22 January 2003. Referred to House Water, Land Use, and Hawaiian Affairs Committee; Finance; and House Judiciary Committees 27 January. The sponsor is Representative Calvin Say (D).

**HAWAII HB 791 – NOISE POLLUTION** - Authorizes county regulation of firing ranges. Authorizes chief of police to issue permits. Introduced 22 January 2003. Referred to House Judiciary; and Finance Committees 27 January. The sponsor is Representative Calvin Say (D).

**HAWAII HB 938 – LAND USE** - Grants authority to the Governor to determine whether training facilities for U.S. armed forces can be expeditiously constructed to protect the security of the State without being subject to state laws. Introduced 22 January 2003. Referred to House Public Safety and Military Affairs; Energy and Environmental Protection; and Judiciary Committees 27 January. Amended and reported from House Public

Safety and Military Affairs 10 February. Amended and reported from House Energy and Environmental Protection Committee 13 February. The sponsor is Representative Calvin Say (D).

**HAWAII HB 1029 – PERMITTING** - Repeals the provision for automatic permit approvals. Effective immediately. Introduced 22 January 2003. Referred to House Judiciary and Finance Committees 27 January. The sponsor is Representative Sol Kaho'ohalahala (D).

**HAWAII HB 1039 – PESTICIDES** - Establishes integrated pest management policies to prohibit the use of toxicity category I pesticides. Effective immediately. Introduced 22 January 2003. Referred to House Agriculture; Energy and Environmental Protection; and Consumer Protection and Commerce Committees 27 January. The sponsor is Representative Sol Kaho'ohalahala (D).

**HAWAII HB 1056 – GROWTH MANAGEMENT** - Grants qualified business status under enterprise zone law to any lawful business that creates job opportunities within the boundaries of the Kalaeloa community development district, provided that the business is not located on lands retained by the U.S. Navy. Effective 1 July 2003. Introduced 22 January 2003. Referred to House Economic Development and Business Concerns and Finance Committees 27 January. The sponsor is Representative Romy Mindo (D).

**HAWAII HB 1200 – MUNITIONS** - Allows national criminal background checks prior to issuance or renewal of a Certificate of Fitness for users, dealers, and storers of explosives. Imposes reporting requirement on individuals who purchase, use or store explosive materials. Introduced 23 January 2003. Referred to House Labor and Public Employment and Public Safety and Military Affairs Committees 27 January. The sponsor is Representative Calvin Say (D).

**HAWAII HB 1282 – PESTICIDES** - Establishes integrated pest management policies to prohibit the use of toxicity category I pesticides. Introduced 31 January 2003. Referred to House Energy and Environmental Protection; Agriculture; and Finance Committees February 3. The sponsor is Representative Calvin Say (D).

**HAWAII HB 1326 – ALTERNATIVE FUELS** - Requires 10% of state-owned bi-fueled vehicles to use only alternative fuels by 1 January 2010. Establishes an income tax credit for the purchase of vehicles that use alternative fuels. Allows certain low-emission vehicles or hybrid vehicles to use HOV lanes regardless of the number of passengers in those vehicles. Introduced 23 January 2003. Referred to House Transportation, Energy and Environmental Protection, and Finance Committees 27 January. The sponsor is Representative Cynthia Thielen (R).

**HAWAII HB 1405 – ALTERNATIVE FUELS** - Establishes a preference in state contracts for the use of biofuels. Introduced 23 January 2003. Referred to House Energy and Environmental Protection; and Finance Committees 27 January. Amended and reported from House Energy and Environmental Protection 6 February. The sponsor is Representative Hermina Morita (D).

**HAWAII SB 454 – INSPECTION AND MAINTENANCE PROGRAMS** - Abolishes periodic motor vehicle inspections (safety checks). Introduced 17 January 2003. Referred to Senate Tourism, Military Affairs; and Government Operations Committee 22 January. The sponsor is Senator Sam Slom (R).

**HAWAII SB 503 – WATER QUALITY** - Increases, from \$25,000 to \$40,000, the fine for each violation of the water pollution law, or any rule, permit, or variance issued under that law. Enacts provisions relating to muddy water, underground injection, and nutrients. Allows citizen suits. Introduced 17 January 2003. Referred to Senate Energy and Environment; and Judiciary and Hawaiian Affairs Committees 22 January. The sponsor is Senator J. Kalani English (D).

**HAWAII SB 557 – EXOTIC NUISANCE SPECIES** - Establishes the Invasive Species Council and the Advisory Committee on Invasive Species to provide for the control, prevention, inspection, eradication, and disposition of invasive species, and coordinates with other governments to protect the State against invasive species. Introduced 17 January 2003. Referred to Senate Energy and Environment; Water, Land and Agriculture; and Ways and Means Committees 22 January. The sponsor is Senator Lorraine Inouye (D).

**HAWAII SB 602 – PESTICIDES** - Establishes integrated pest management policies to prohibit the use of toxicity category I pesticides. Effective immediately. Introduced 17 January 2003. Referred to Water, Land, and Agriculture; and Energy and Environment Committee 22 January. The sponsor is Senator Brian Taniguchi (D).

**HAWAII SB 700 – EXOTIC NUISANCE SPECIES** - Increases Department of Transportation dockage, wharfage, and demurrage fees by 5% to pay for the inspection of incoming vessels, cargo, and ballast water for invasive species; requires the Department of Transportation to work with the Department of Land and Natural Resources, which is the lead agency for the prevention and destruction of alien aquatic species. Introduced 17 January 2003. Referred to Senate Energy and Environment Committee; Tourism, Military Affairs and Government Operations; and Ways and Means Committees 22 January. The sponsor is Senator Russell Kokubun (D).

**HAWAII SB 708 – ENVIRONMENTAL PROCEDURES** - Authorizes the Office of Environmental Quality Control (OEQC) to review and override the determination of an agency's determination of whether its proposed action requires an environmental impact statement. Introduced 17 January 2003. Referred to Senate Energy and Environment Committee 22 January. The sponsor is Senator Russell Kokubun (D).

**HAWAII SB 713 – POLLUTION PREVENTION** - Expands the definition of "pollution control project" to include the closure of the project so that such closures will qualify for special purpose revenue bond funding. Introduced 17 January 2003. Referred to Senate Energy and Environment; Tourism, Military Affairs and Government Operations Committee 22 January. The sponsor is Senator Russell Kokubun (D).

**HAWAII SB 840 – WASTEWATER** - Authorizes OEQC to review and override the an agency's determination of whether its proposed action requires an environmental impact statement. Requires an environmental assessment for proposed wastewater facilities, waste-to-energy facilities, landfills, oil refineries, and power generating facilities. Introduced 17 January 2003. Referred to Senate Energy and Environment Committee 22 January. The sponsor is Senator J. Kalani English (D).

**HAWAII SB 841 – ENVIRONMENTAL JUSTICE** - Requires the disclosure and specification of proposed mitigation of environmental justice impacts in environmental impact statements. Effective immediately. Introduced 17 January 2003. Referred to Senate Energy and Environment Committee 22 January. The sponsor is Senator J. Kalani English (D).

**HAWAII SB 843 – ENVIRONMENTAL PROCEDURES** - Allows state and county agencies to enter into habitat conservation plans and safe harbor agreements. Requires legislative approval of certain plans and agreements. Provides for the enforcement of habitat conservation plans and safe harbor agreements through citizen lawsuits. Introduced 17 January 2003. Referred to Senate Energy and Environment; and Judiciary and Hawaiian Affairs Committees 22 January. The sponsor is Senator J. Kalani English (D).

**HAWAII SB 857 – EXOTIC NUISANCE SPECIES** - Establishes a state invasive species administrator and authorizes the Departments of Agriculture, Health, and Land and Natural Resources to enter private property for the purpose of controlling or eradicating alien invasive species. Introduced 17 January 2003. Referred to Senate Energy and Environment; and Ways and Means Committee 22 January. The sponsor is Senator J. Kalani English (D).

**HAWAII SB 1024 – NOISE POLLUTION** - Enables counties to regulate operation of firing ranges within their jurisdiction. Introduced 21 January 2003. Referred to Senate Transportation, Military Affairs and Government Operations; and Judiciary and Hawaiian Affairs Committees 24 January. The sponsor is Senator Willie Espero (D).

**HAWAII SB 1372 – MUNITIONS** - Permits national criminal background checks prior to issuance or renewal of a Certificate of Fitness for users, dealers, and storers of explosives. Imposes reporting requirement on individuals who purchase, use or store explosive materials. Introduced 22 January 2003. Referred to Senate Transportation, Military Affairs and Government Operations; and Judiciary and Hawaiian Affairs Committees 27 January. The sponsor is Senator Robert Bunda (D).

**HAWAII SB 1593 – ENVIRONMENTAL JUSTICE** - Requires government agencies to develop, implement, and report on environmental justice strategies. Creates an interagency working group to assist government agencies in discharging their environmental justice responsibilities. Creates an advisory committee of nongovernmental groups to advise the working group. Requires environmental research, data collection, and analysis. Requires agencies to consider environmental justice principles in determining whether an action will have a significant effect. Effective 1 July 2003. Introduced 24 January 2003. Referred to Senate Energy and Environment; Judiciary and Hawaiian Affairs; and Ways and Means Committees 28 January. The sponsor is Senator Colleen Hanabusa (D).

**HAWAII SB 1681 – AUTOMOTIVE EMISSIONS** - Directs the Department of Health to develop greenhouse gas emission standards and adopt rules that achieve the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and any other vehicles determined by the department to be vehicles whose primary use is noncommercial personal transportation in the State. Introduced 24 January 2003. Referred to Senate Energy and Environment Committee 28 January. The sponsor is Senator J. Kalani English (D).



## NEVADA

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### Regulatory Developments & Other State Information

No significant regulatory issues to report.

### Legislative Developments

The 2003 legislative session convened 3 February. For current information on the legislative session, link <http://www.leg.state.nv.us/>.

**NEVADA AB 36 – AIR QUALITY** - Revises provisions governing program established by State Environmental Commission for regulation of smoke and other emissions by inspection of certain heavy-duty motor vehicles. Prefiled and referred to Assembly Natural Resources, Agriculture, and Mining Committee 31 January 2003. The sponsor is the Assembly Natural Resources, Agriculture and Mining Committee.

**NEVADA SB 30 – LAND USE** - Relates to land use planning. Revises the requirements governing notice of a hearing regarding the establishment of or amendment to a zoning regulation, restriction or boundary. Requires the placement of a statement of facts on certain parcel maps to indicate that the map does not conflict with certain statutory and local provisions. Prefiled 29 January 2003. Referred to Senate Local Government Committee 3 February. The sponsor is Senator Mark Amodei (R).

**NEVADA SB 58 – HAZARDOUS MATERIALS** - Makes various changes concerning laboratories that perform certain analyses relating to hazardous waste and regulated substances. Introduced and referred to Senate Natural Resources Committee 6 February 2003. The sponsor is Senator William Raggio (R).

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